

## UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

UNITED STATES OF AMERICA

UNDER SEAL

v.

CRIMINAL COMPLAINT

GARY S. KIMMEL

CASE NUMBER:

(Name and Address of Defendant)

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about October 13, 2005 at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere, defendant(s) did, (Track Statutory Language of Offense)

use the mail and any facility in interstate commerce to distribute the proceeds of unlawful activity, namely prostitution in violation of Michigan and Illinois law, and to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity,

in violation of Title 18 United States Code, Section(s) 1952(a)(1) and (3) and 2.

I further state that I am a(n) Special Agent, FBI and that this complaint is based on the following facts:  
Official Title

Continued on the attached sheet and made a part hereof: x Yes      No

Sworn to before me and subscribed in my presence,

\_\_\_\_\_  
Signature of Complainant

11/17/05 at  
Date

Chicago, Illinois  
City and State

Jeffrey Cole  
Name & Title of Judicial Officer

\_\_\_\_\_  
Signature of Judicial Officer

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF COOK                    )

**UNDER SEAL**

**AFFIDAVIT**

I, Katherine Brusuelas, being duly sworn under oath state as follows:

1.       I am a Special Agent of the Federal Bureau of Investigation (FBI) and have been so employed for approximately nine years. I am currently a member of the Violent Crimes Task Force. My duties include the investigation of violations of federal statutes, including those involving interstate prostitution.

2.       The information in this affidavit is based upon my personal knowledge, as well as on information that I have received from witnesses and other law-enforcement sources. Because this affidavit is made for the limited purpose of establishing probable cause for a criminal complaint against GARY S. KIMMEL, I have not recited each and every fact known to me as a result of my investigation.

**Overview of Investigation**

3.       The FBI and various local law enforcement agencies are investigating a prostitution ring operating in, among other places, Chicago, Illinois, Detroit, Michigan, and Honolulu, Hawaii. According to cooperating witnesses and other sources, as set forth in this affidavit, Individual A is a “pimp” who recruits women and minor females, causes them to engage in prostitution, uses force and threats of force to maintain control over them, and profits from their activities. Individual A transports these victims, and causes them to be transported, by plane and car across state lines for the purpose of having the females engage in prostitution in various cities around the United States.

4. According to cooperating witnesses and other sources, as set forth in this affidavit, GARY S. KIMMEL is a Chicago dentist. Individual A provides proceeds of the prostitution to KIMMEL in exchange for various benefits provided by KIMMEL, including housing, transportation, and dental work for Individual A and the prostitution victims. As to transportation, in particular, KIMMEL finances and maintains titles and insurance in his own name on a fleet of luxury vehicles that KIMMEL and Individual A provide to the prostitutes for purposes of engaging in criminal activity. The vehicles are used, among other things, for purposes of transporting the prostitutes across state lines to engage in prostitution. KIMMEL, Individual A, and others, identified and as yet unidentified, have conspired to conceal the illegal use of the vehicles and KIMMEL's role in the prostitution ring.

5. The United States District Court for the Eastern District of Michigan entered orders authorizing the interception of wire communications occurring over a target telephone used primarily by Individual A (the "Individual A wire"). The Individual A wire yielded substantial evidence of Individual A's activity as a pimp, the prostituting and threatening by Individual A of various females, as well as of Individual A's business and financial relationship with KIMMEL.

6. Charles P. Kocoras, Chief Judge of the United States District Court for the Northern District of Illinois, entered an order authorizing the interception of wire communications occurring over two target telephones used primarily by KIMMEL (the "KIMMEL wire"). The KIMMEL wire further exposed KIMMEL's business and financial relationship with Individual A, including KIMMEL's providing vehicles to Individual A for use by Individual A and the prostitutes to engage

in interstate prostitution activities.<sup>1</sup>

7. I submit that there is probable cause to believe that KIMMEL has used the mail and any facility in interstate commerce to distribute the proceeds of unlawful activity, namely prostitution in violation of Michigan and Illinois law, and to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, in violation of Title 18, United States Code, Sections 1952(a)(1) and (3) and 2.

### **History of Investigation Regarding KIMMEL and Individual A**

#### **A. Real and Personal Property Owned by KIMMEL**

8. According to LexisNexis records and records obtained by subpoena, KIMMEL resides with his wife at 300 N. State Street, Unit 5618, Chicago, IL. 300 N. State Street is the address of a condominium building called Marina Towers, which contains multiple units and a valet parking garage. According to records and cooperating witnesses, KIMMEL has lived in Unit 5618 at Marina Towers since no later than the late 1980s.

9. According to LexisNexis records, as of November 2005, KIMMEL and his wife owned the following units at Marina Towers: 2734, 3905, 5208, 5616, 5617, 5618, 5619, 5817, 5818, and 5523. Public records show that KIMMEL previously owned additional units at Marina Towers, including but not limited to unit 5620, which was sold in approximately July

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<sup>1</sup>As to both the Individual A and KIMMEL wire intercepts that are described in this affidavit, the voice identifications for the conversations are preliminary. In most cases, voice identifications are based on names used during the intercepted conversations, voice recognition that has been accomplished to date by law enforcement officers, historical information developed during this investigation, and/or telephone subscriber information. The summaries provided in this affidavit do not include all potentially criminal calls intercepted during the initial period of interception, or all statements or topics covered during the course of the intercepted conversations. In addition, the summaries in this affidavit are not taken from final transcripts.

2005.

10. According to bank records, KIMMEL has paid condominium association fees to the Marina Towers Condominium Association for various units at 300 N. State Street beginning no later than 2000 and continuing throughout 2005. Bank records likewise reflect monthly payments to KIMMEL, designated as rent payments for certain units at 300 N. State Street, beginning no later than 2000 and continuing throughout 2005.

11. According to public records, surveillance, and interceptions from the Individual A and KIMMEL wires, as further described below, as of November 2005, KIMMEL owned the following cars: 2001 Plymouth Prowler; 2004 Chevrolet Corvette; 2004 Dodge Ram Truck; 2005 Mercedes ML350; 2005 Lexus ES330; 2005 Audi A4; 2005 Chrysler 300C; 2005 Infiniti QX56; 2005/2006 Honda Ridgeline; and 2005 Mercedes G55. Records obtained by subpoena show that before November 2005, KIMMEL owned and sold additional luxury vehicles, including but not limited to a 2002 Mercedes G500, 2003 Mercedes G500 and a 2004 Lexus ES300.

12. According to Illinois Secretary of State records, except for the 2005 Infiniti QX56 and Honda Ridgeline, which still do not show records of having license plate numbers, the cars bear State of Illinois license plates and are insured in Illinois. (As described below, at paragraph 60, agents observed the Honda Ridgeline in October 2005 bearing temporary Illinois tags.)

13. With respect to the 2002 Mercedes G500 (not owned by and registered to KIMMEL as of November 2005), records obtained by subpoena show that KIMMEL purchased the car at a total sales price of approximately \$103,349 at Laurel Mercedes Benz in Westmont, IL, on or about August 27, 2002. To make the purchase, KIMMEL made a cash down payment

of \$10,000. For the balance of the purchase price, KIMMEL signed a Retail Installment Contract with Mercedes-Benz Credit, in which he agreed to make monthly payments on the car and represented that he had insurance on the car through Farmers Insurance. The records show that KIMMEL was issued a Certificate of Title of a Vehicle on the Mercedes G500. The records further include a photocopy of KIMMEL's Illinois Driver's License, bearing an address of 300 N. State Street. All of the documents that KIMMEL submitted in connection with purchasing the car showed an address for KIMMEL of 300 N. State Street, Chicago, IL.

14. Records obtained by subpoena show that KIMMEL purchased the 2003 Mercedes G500 (no longer owned by or registered to KIMMEL, as of November 2005) on or about May 6, 2003 for a total purchase price of approximately \$109,934, at the same dealership where he purchased the 2004 Mercedes G500, described in the previous paragraph. KIMMEL traded in a 2001 Cadillac for a credit of \$27,000 off the purchase price. All of the documents that KIMMEL submitted in connection with purchasing the car showed an address for KIMMEL of 300 N. State Street, Chicago, IL.

15. With respect to the 2004 Chevrolet Corvette (still owned by and registered to KIMMEL as of November 2005), records obtained by subpoena show that KIMMEL purchased the car for a total sales price of approximately \$50,500 at Grossinger Chevrolet, Inc. in Palatine, IL, on or about November 8, 2003. To make the purchase, KIMMEL made a downpayment of approximately \$4,891, with a check from his personal bank account made payable to Grossinger Chevrolet. For the balance of the purchase price, KIMMEL submitted a Credit/Lease Application to GMAC Financial Services, and signed a Retail Installment Contract, in which he agreed to make monthly payments on the car. The records show that KIMMEL made monthly payments on the car

from his personal bank account. All of the documents that KIMMEL submitted in connection with purchasing the car showed an address for KIMMEL of 300 N. State Street, Chicago, IL.

16. Documents obtained by subpoena show that KIMMEL purchased the 2004 Lexus ES300 (no longer owned by or registered to KIMMEL, as of November 2005) for a total sales price of approximately \$40,066 at Mercedes Benz of Chicago in Chicago, IL, on or about May 21, 2004. To make the purchase, KIMMEL made a cash down payment of \$3,000. For the balance of the purchase price, KIMMEL signed a Retail Installment Contract, in which he agreed to make monthly payments on the car to Glenview State Bank. The records show that KIMMEL was issued a Certificate of Title of a Vehicle on the Lexus ES300. KIMMEL's personal bank account records show that approximately monthly payments were made on the car from the account to Glenview State Bank between June 2004 and March 2005. According to the documents, the car dealer made a bulk payment of approximately \$27,432 to Glenview State Bank on or about April 11, 2005, paying off the remainder of the loan. This payment is consistent with the car being traded in for another vehicle. Records obtained by subpoena show that on or about April 4, 2005, KIMMEL purchased a new 2005 Lexus ES330 (still owned by and registered to KIMMEL as of November 2005), trading in the 2004 Lexus ES300. All of the documents that KIMMEL submitted in connection with purchasing the car showed an address for KIMMEL of 300 N. State Street, Chicago, IL.

17. Records obtained by subpoena show that KIMMEL purchased a black 2005 Chrysler 300 at Clifford Chrysler Jeep, Inc. in Buffalo Grove, IL on or about August 5, 2004, for a total sale price of approximately \$48,125. To make the purchase, KIMMEL signed a credit application, and agreed to make monthly payments to Chrysler Financial. KIMMEL was issued a Certificate of Title

of a Vehicle for the Chrysler 300. KIMMEL's personal bank account records show regular payments to Chrysler Financial, including for the time period August 2004 through July 2005. All of the documents that KIMMEL submitted in connection with purchasing the car showed an address for KIMMEL of 300 N. State Street, Chicago, IL.

**B. Information Received from CI-1**

18. In July 2004, a Confidential Informant (CI-1) stated that in March 2004, when she was 17 years old, she met a pimp, Individual A, in a bar in Honolulu, Hawaii. Shortly thereafter, CI-1 began working for Individual A as a prostitute. CI-1 positively identified Individual A in a photographic line-up.

19. CI-1 stated that pictures were taken of her and published on a website called eros.com, for the purpose of advertising her as a prostitute. CI-1 stated that the photos of her were taken on a 56th floor balcony at 300 N. State Street in Chicago, Illinois. According to CI-1, the residence at 300 N. State Street belonged to GARY KIMMEL.

20. CI-1 stated that in March 2004, Individual A arranged for CI-1 to be transported by airplane from Honolulu, Hawaii to Chicago, Illinois under the alias "Elizabeth Rameriz." Northwest Airlines, Inc. records confirm that on March 30, 2004, a one-way ticket was purchased for CI-1 with cash. The ticket was to transport an "Elizabeth Rameriz" from Honolulu, Hawaii to Chicago, Illinois via Minneapolis, Minnesota on March 31, 2004.

21. According to CI-1, while she was in Chicago, another prostitute working for Individual A took CI-1 to meet a "date," to engage in prostitution, but the customer did not show up. CI-1 stated that in Chicago, Individual A took her to see KIMMEL to have her teeth cleaned. CI-1 stated that Individual A went into a back room with KIMMEL, alone. Individual A then



introduced CI-1 to KIMMEL and KIMMEL's wife (who previously worked in KIMMEL's dental office), using CI-1's prostitution alias, and told KIMMEL that CI-1 was from Hawaii. KIMMEL then worked on CI-1's teeth. CI-1 did not have to pay for the cleaning. Nor did CI-1 have to fill out or sign any forms, or provide any medical information before receiving dental services from KIMMEL.

22. According to CI-1, Individual A then drove her from Chicago to Detroit, Michigan in a Corvette with the Illinois license plate "SECRET." Based on Department of Motor Vehicles records, this Illinois license plate is registered to GARY S. KIMMEL, 300 N. State Street, Chicago, Illinois. (See paragraph 15, *supra*, concerning KIMMEL's purchase of Corvette.)

23. According to bank records, on or about December 12, 2003, KIMMEL wrote a check to the Illinois Secretary of State for \$94.00 from his personal checking account. The memo line of the check stated that it was for "vanity plate 'SECRET'."

24. According to CI-1, while she was in Detroit, she worked as a prostitute at Individual A's direction, and provided Individual A with cash she received from customers.

25. CI-1 stated that she returned to Hawaii by airplane in late April 2004. American Airlines, Inc. records confirm that a round-trip ticket was purchased to transport an "Elizabeth Rameriz" from Detroit, Michigan on April 28, 2004 to Honolulu, Hawaii. The return trip from Honolulu, Hawaii to Detroit, Michigan was not used.

26. CI-1 told agents that she had a problem getting on the airplane at the Detroit airport for the April 2004 return to Hawaii. The American Airlines documents for Elizabeth Rameriz's travel from Detroit, Michigan to Honolulu, Hawaii on April 28, 2004 at 7:10 a.m. and 7:16 a.m. state the following: "psgr trvling with no govt issued id....has laminated work id out of chicago...psgr

fully advised govt issued photo id is required for trvl...hadv could experience prob out of hnl...may result in new tkt and asc fees also psgr stated ids were stolen out of her car in detroit bt had no police report.....psgr stated will try to get govt issued if for return since she said she had to trvl back.”

27. CI-1 told agents that when she could not get on the plane in Detroit, she used her Nextel cellular telephone, number (917) 337-0623 (which had been provided by Individual A), to contact Individual A on his cellular telephone, (313) 995-7488, to ask what to do. Individual A told CI-1 on the phone that CI-1 needed to do whatever CI-1 needed to do, but that CI-1 had to get on that flight. CI-1 did board the flight and returned to Honolulu. According to records provided by Nextel, on April 28, 2004, there were calls between (313) 995-7488 and (917) 337-0623 at 8:15 a.m. Eastern Daylight Time (EDT) and 8:18 a.m. EDT. (Lisa Magdaleno, Legal Department for American Airlines, Inc., advised that the times indicated in the American Airlines, Inc. records were probably recorded in Central time due to the American Airlines, Inc. database being housed in Texas.)

28. According to CI-1, after returning to Hawaii, CI-1 no longer worked as a prostitute for Individual A and ceased all contact with him.

29. CI-1 began speaking with federal agents in or around July 2004. CI-1 identified various people who were advertised on the eros.com website as prostitutes who had worked for Individual A in Detroit, Michigan. One, known as “Secret,” or “Secret Diamond,” was advertised on eros.com on October 15, 2004 (when agents reviewed the website) as follows: “Secret Diamond, I aim to please. Turn ons: 1. Foreplay, 2. Toys, 3. Hard dicks. Turn offs: 1. Cheap dates, 2. Bad Hygiene, 3. No patience. . . . Hi guys! Looking to have a wild, fun and crazy time or just enjoy a romantic evening with someone special? Give me a call. . . . Secret Diamond 248 830-9636.” CI-1

stated she met Secret Diamond and worked with her as a prostitute. Based on comparison of the eros.com photo of Secret Diamond to Chicago arrest records, "Secret Diamond" is believed to be an alias for Individual B.

30. According to Chicago arrest records, Individual B was arrested for prostitution in Chicago on or about February 26, 2004. On that day, Officer Yang of the Chicago Vice Enforcement Unit located an advertisement for "Secret Diamond" on the Chicago section of the eros.com website. Officer Yang called the telephone number in the advertisement and requested a date with Secret Diamond. Officer Yang was instructed to go to 300 N. State Street. When Officer Yang got to the address, he called the telephone number again, and the same female voice directed him to room 5620. (See paragraph 9, *supra*, regarding KIMMEL's ownership of Unit 5620.) Officer Yang went to the room, and Individual B let him in. While inside, Individual B asked for the fee of \$300, and Officer Yang provided the money. Officer Yang then asked if he could perform oral sex on Individual B for the fee. Individual B said that for an additional \$100 tip, she would engage in intercourse and the oral sex. The officer agreed and gave Individual B the additional \$100. Officer Yang then signaled for back-up officers, announced his office, and placed Individual B into custody.

31. CI-1 identified another female on the eros.com website as an "escort" working for Individual A in Detroit, Michigan. As of October 15, 2004, the female was advertised as: "Kerri. I'm a beautiful petite blonde with green eyes and slim complexion. I'm 5'2" tall, 115 lbs., with a 36DD cup size. I like heels, people with nice personality, and cash money. I don't like underwear, bad dates, and home training. Rates: \$250/incall, \$350/outcall. Call me for a great time. Kerri 248 830-9637." CI-1 stated that she worked with "Kerri," who CI-1 said was also known as "Doll

Baby,” as a prostitute for Individual A. Michigan State Police Image Retrieval Results show that the person CI-1 identified as “Doll Baby” is named Individual C.

32. On October 30, 2004, CI-1 called Individual A on his cellular telephone at (313) 995-6828 and consensually recorded the conversation. Individual A stated, “Detroit looked good this summer, though, oh my God. How many girls was there, it was crazy. I mean, over 30 girls there, man. There was over 30. And the police was letting 'em go. Plus they was letting hos work at the Star, you know, standing right there and go right in the Star Hotel. Only my hos working right there.” “Yeah, it was good. Didn't have to get in the car with a trick at all. Yeah, it's a new manager there. He was letting girls right in. There was so many hos, though, you know what I'm saying?” When CI-1 inquired how many new girls Individual A had, Individual A replied, “I only have one new girl. I had two new girls and stuff . . . had a black one but she, you know them black ones, from Detroit, and she was from Detroit. She hate white girls, you know, just . . . hate them all. But I got rid of her.”

33. On November 3, 2004, while being interviewed by federal agents in Chicago, CI-1 identified a silver-colored Mercedes Benz sport utility vehicle with Illinois license plate number 4682132 parked in stall number 2171 in a parking structure located at 300 N. State Street. CI-1 stated that this was the building where KIMMEL lived, and that Individual A stayed at the building when he was in Chicago. CI-1 stated that Individual A's prostitutes, when in Chicago, usually resided in a unit on the 56th floor. CI-1 added that CI-1 stayed in a 56th floor unit with another one of Individual A's prostitutes when CI-1 was in Chicago in March 2004. A Department of Motor Vehicles check was conducted on the Mercedes Benz and revealed that the registered owner of the vehicle was GARY S. KIMMEL, 300 N. State Street, Chicago, Illinois.

34. On November 5, 2004, while being interviewed by federal agents in Detroit, CI-1 identified the residence located at 15353 Lauder Street, Detroit, Michigan as the Michigan residence where Individual A and his prostitutes reside. A black Chrysler vehicle with Illinois license plate number 7378167 was parked in the driveway. A Department of Motor Vehicles check was conducted on the Chrysler and revealed that the registered owner of the vehicle was GARY S. KIMMEL, 300 N. State Street, #5618, Chicago, Illinois.

**B. Information Received From CI-2 and CI-3**

35. A Confidential Informant (CI-2) in Chicago, Illinois informed agents that KIMMEL was CI-2's former business associate. CI-2 is a dentist who employed KIMMEL at CI-2's dental practice from approximately 1989 through 2002. In the late 1990s, CI-2 assisted KIMMEL in purchasing two units at Marina Towers, Units 5817 and 5819. CI-2 stated that KIMMEL told CI-2 that during 2001, he rented Unit 5817 to a "pimp." CI-2 also stated that the name of one of the tenants who rented Unit 5817 during approximately 2001 was (an alias for) Individual A.

36. CI-2 provided agents with a copy of an August 2001 lease agreement between (an alias for) Individual A and GARY KIMMEL for Unit 5817.

37. According to CI-2, in 2002, KIMMEL left to start his own dental practice. An investigator at the Illinois Department of Professional Regulations confirmed that since 2002 and continuing to the present, KIMMEL has had his own dental practice, located at 233 E. Erie, #406, Chicago, Illinois. KIMMEL has a website for his dental practice, located on the Internet at [www.garyskimmelddslltd.com](http://www.garyskimmelddslltd.com). According to the website, KIMMEL's office has been open since 2002, and it is located at 233 E. Erie, #406, Chicago, Illinois.

38. A Confidential Informant (CI-3) worked for CI-2's dental practice in Chicago,

Illinois. CI-3 said that while KIMMEL was working with CI-2's dental practice, KIMMEL associated with and became a "business partner" of someone that KIMMEL referred to as a "pimp." CI-3 frequently saw the pimp in the dental office, and at parties that KIMMEL gave in Marina Towers. According to CI-2, KIMMEL told CI-2 that he rented one of the condominiums he owned at 300 N. State Street to the pimp.

39. According to CI-3, CI-3 saw the person KIMMEL referred to as a pimp bring females into the dental office, usually after regular business hours, for KIMMEL to provide dental work on them. The females ranged in age. CI-3's estimate was that some girls appeared to be between the ages of 17 and 20, but could be younger. The girls were in shabby clothes and appeared to CI-3 to be abused, hurt, and neglected. CI-3 noticed the girls often had bruises on their faces or a tooth missing, apparently from being recently punched in the mouth. CI-3 stated that she recalled one girl who was crying and seemed scared. Sometimes the females came to see KIMMEL with the pimp, and sometimes they came with another female. On at least one occasion, CI-3 saw the pimp come to KIMMEL's office with another black male, who KIMMEL introduced to CI-3 as Individual A. CI-3 said that KIMMEL told CI-3 that Individual A was a pimp. According to CI-3, KIMMEL performed the dental work on the girls and the pimp, sometimes worth thousands of dollars, for free.

40. CI-3 was presented with a photographic line-up of six black females. CI-3 identified Individual B as an individual who came to KIMMEL's dental office three or four times, and had dental work performed on her by KIMMEL. (See discussion of Individual B *supra*, beginning at paragraph 29.) CI-3 was then presented with a second photographic line-up of six Caucasian females. CI-3 identified Individual D as an individual who came to KIMMEL's dental office, and had dental work performed on her by KIMMEL. CI-3 advised that KIMMEL performed dental

work on Individual D on one occasion after CI-3 observed that Individual D appeared to have been beaten.<sup>2</sup> CI-3 was presented with a photographic lineup of six black males. CI-3 identified Individual E as the “pimp” that frequently came to see KIMMEL in and before 2001. From a separate photo, CI-3 identified Individual A as the black male who came to KIMMEL’s office with Individual E.

41. On February 10, 2005, CI-3 contacted FBI Special Agent Mark Wallschlaeger by telephone and informed SA Wallschlaeger that CI-3 was in the midst of a face-to-face discussion with KIMMEL. Although CI-3 was not equipped with a recording device at the time, CI-3 left CI-3's cell phone line open and returned to KIMMEL, thereby permitting SA Wallschlaeger to hear and consensually monitor the conversation between CI-3 and KIMMEL. SA Wallschlaeger knew CI-3's voice from previous in-person meetings, and recognized CI-3's voice on the phone; CI-3 identified KIMMEL as the other participant in the conversation. During the discussion, overheard by SA Wallschlaeger, CI-3 complimented KIMMEL on how nice his vehicle was and asked how much it was purchased for. KIMMEL replied, “80,000.” CI-3 told KIMMEL that CI-3 saw a black male driving the vehicle the last time CI-3 was outside the House of Blues near Marina Towers.

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<sup>2</sup>On March 25, 2005, agents searched the Detroit escorts section on the eros.com website. In the Detroit escorts section, agents identified a female being advertised as “Alyssa” as Individual D. FBI agents in Hawaii were able to identify Individual D because they had previously identified her in connection with physical surveillance performed on the “track” in Waikiki, where prostitutes solicit customers. Individual D was advertised as “Alyssa, True blue vixon. Extreme elegance. Blonde sweetie. Outstanding personality. Fabulous petite model. Takes pride in everything I do to you. I am 5'3", 110 lbs. and 36DD-24-36. I have a smoothed, toned body. I am at your beck and call. Have great reviews! Alyssa 917 337-0620.” On March 31, 2005, agents found a listing for Individual D in the Chicago escorts section on the eros.com website. According to Lexis/Nexis records, Individual D is associated with an address of 300 N. State Street, Unit 5817, Chicago, IL, among other addresses.

KIMMEL stated words to the effect of, "That's the pimp, he works for me." CI-3 asked if that was the same pimp that owned the orange Prowler (a vehicle that KIMMEL previously told CI-3 was being driven by one of the pimps working for KIMMEL). KIMMEL stated words to the effect of, "No, that's the other pimp. I had two working for me, but I don't work with him any longer." According to CI-3, when KIMMEL referred to having two pimps working for him, CI-3 understood KIMMEL to be referring to Individual E and Individual A. At the conclusion of the conversation, according to CI-3, KIMMEL drove away in a Mercedes SUV bearing Illinois license plate number 4682132. This Mercedes SUV, as noted in paragraph 33, is registered to KIMMEL.

42. On the day that CI-3 had this discussion with KIMMEL, agents were performing surveillance on KIMMEL. Before the discussion, agents saw KIMMEL drive up to the location where CI-3's conversation took place in the silver Mercedes SUV. Agents were not able to see KIMMEL and CI-3 while they were talking. After the discussion, agents saw KIMMEL drive away in the silver SUV.

43. According to Department of Motor Vehicles records, a 2001 Plymouth Prowler with Illinois license plate number Y547775 is registered to GARY S. KIMMEL, 300 N. State Street, Chicago, Illinois, and was so registered in February 2005.

44. On October 17, 2005, at approximately 6:13 p.m., (Session 1580 on KIMMEL wire), KIMMEL spoke to CI-3 over his office telephone. CI-3 said, "I saw your pimp friend last time at the casino." KIMMEL said, "Who?" CI-3 said, "That dude that drives the Prowler." KIMMEL said, "Between you and me, I'm looking for that car. . . . Cause he owes for it. I didn't co-sign, I'm a co-owner. He was paying for it up till about eight months ago, then he just quit paying. Now I'm still paying for it." KIMMEL said that if CI-3 sees the car anywhere, to let him know. KIMMEL



said the man's name is Individual E, and to let KIMMEL know if CI-3 sees him.

**C. Information Received From CI-4**

45. According to Michigan State Police (MSP) Sergeant Edward Price, MSP has been investigating Individual A for approximately the past two years. During the MSP investigation, officers arrested a Confidential Informant (CI-4) on or about September 11, 2004 on a felony drug charge. CI-4 told police that she was a "dancer" for Individual A.

46. More specifically, CI-4 stated that Individual A was a pimp who ran an escort service and who advertised his girls on the eros.com website. CI-4 said that Individual A owned a travel agency in Honolulu, and that she had accompanied Individual A to Honolulu. CI-4 advised that Individual A asked her to ship approximately \$20,000 in a shoe box via Federal Express to GARY KIMMEL, a dentist in Chicago, Illinois. CI-4 refused, and CI-4 stated that Individual A had another girl send the shoe box. CI-4 stated that sometimes Individual A had his girls fly to Chicago with money on their body to give to KIMMEL. CI-4 had been living at 11702 Beaverland, Detroit, Michigan. CI-4 stated that Individual A resided at 15353 Lauder, Detroit, Michigan with his "main girl," Individual C. CI-4 further stated that Individual A had a new girl, who is a Confidential Informant (CI-5).

47. According to records obtained from Federal Express by subpoena, on or about August 12, 2004, a package was sent via Federal Express from (an alias for Individual A), 15353 Lauder, Detroit, MI to GARY S. KIMMEL, 300 N. State Street, Chicago, IL.

48. CI-4 lived at the Beaverland address until March 18, 2005. CI-4 stated that she then left, taking her fur coat and television. Shortly after leaving Beaverland, CI-4 received a voice mail message from Individual A that he would put a \$10,000 contract out on her life if

she didn't return the fur coat and television.

49. On or about April 13, 2005, CI-4 was interviewed again by MSP and provided additional information about Individual A and KIMMEL. Among other things, CI-4 repeated that Individual A directed her to mail money to KIMMEL in Chicago. CI-4 stated that one time she counted the money in a shoe box that she mailed, and there was \$35,000 inside. She said that she mailed money to KIMMEL about three times. She said that she mailed the money next day delivery from the Post Office on Shaefer and Grand River (in Detroit, Michigan).<sup>3</sup> CI-4 stated that Individual C has mailed money for Individual A in the past. CI-4 has also seen Individual A have packages mailed to KIMMEL by Federal Express.

50. CI-4 stated that Individual A had a Chrysler 300C, a white Corvette, a 2002 Mercedes Benz G500, a 2003 or 2004 Lexus, a 2005 Dodge Viper car and a Dodge Viper truck. CI-4 stated that all the cars were registered to "Dr. GARY KIMMEL."

51. CI-4 said that she saw Individual A put one of the girl's heads in a toilet and "piss" on her and punch her in the mouth, breaking her teeth. CI-4 saw Individual A throw another of the girls over a balcony.

52. CI-4 stated that Individual A purchased airline tickets for CI-4, CI-5, Individual A's daughter, and himself, and they traveled to Honolulu the first week of January 2005, and stayed for approximately 10 to 14 days. CI-4 heard Individual A make the ticket arrangements with his travel company. While in Honolulu, Individual A stayed in a penthouse suite on the 18th floor of Royal Gardens. CI-4 and the other girls stayed in a penthouse suite on the 19th floor. "Star" and

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<sup>3</sup>According to Detroit FBI agents, there is a United States Post Office located at 13426 Shaefer, at the intersection of Shaefer and Grand River in Detroit, Michigan. The Shaefer Post Office is approximately 1.8 miles from Individual A's Lauder Street residence.

“Passion” were already in Honolulu when CI-4 arrived. While in Honolulu, CI-4 and CI-5 worked the “track” picking up tricks. CI-4 got arrested for littering and Individual A got arrested for identity fraud and for not having an operator's license. Individual A had given the police a name that, according to CI-4, is an alias Individual A uses. Before arriving in Honolulu, Individual A told CI-4 that if the police messed with them to tell them his name was Individual A. When questioned by the police about Individual A’s identity, CI-4 told them what Individual A had told her to say. CI-5 was arrested for prostitution and solicitation. CI-4 believed that CI-5 just turned 18 or may be younger. CI-4 believed CI-5 was from Grand Rapids, Michigan. According to CI-4, Individual A paid for a breast augmentation surgery for CI-5.

53. Agents have reviewed a Honolulu Police Department report dated January 8, 2005, which indicates that on January 8, 2005, Individual A, using aliases, was arrested for no operator's license, forgery, and identity theft. Agents also reviewed another Honolulu Police report dated January 8, 2005, which indicates that CI-4 was arrested on January 8, 2005, for criminal littering.

54. United Airlines records indicate that Individual A, Individual A’s daughter, CI-4, and CI-5 traveled from Detroit to Honolulu on or about January 7, 2005.

55. CI-4 said that she traveled to Chicago with CI-5 and Individual B and had her teeth done by KIMMEL. CI-4, CI-5, and Individual B drove to Chicago from Detroit in the Mercedes Benz 500 truck. CI-4 stated that KIMMEL gave her two fillings and cleaned Individual B’s teeth. They did not have to pay for the dentist visits. CI-4 said that everything took place after KIMMEL’s regular business hours.

#### **D. Information Received From CI-5**

56. On or about October 27, 2005, CI-5 was interviewed by the FBI and the Detroit U.S.

Attorney's Office. CI-5 described how she began working as a prostitute for a person known to her as Individual A in approximately September 2001, shortly after she turned 18. CI-5 stated that Individual A made arrangements for her to be transported by airplane from Detroit, Michigan to Honolulu, Hawaii. CI-5 described that she worked as a prostitute for Individual A while in Hawaii, for approximately one month. Individual A then made arrangements for CI-5 to be transported back to Detroit by airplane.

57. CI-5 lived with Individual A at the Lauder address, and continued to work for Individual A as a prostitute. CI-5 stated that photos were taken of her and posted on the Internet website eros.com, as advertisements. CI-5 stated that Individual A paid for her to have a breast augmentation surgery, to improve her appearance so that she could make more money.

58. CI-5 stated that she was required to make \$1,000 per night. She said that Individual A beat her and the other girls, and that she feared for her life.

59. CI-5 stated that on one occasion she went to see KIMMEL in Chicago to have her teeth cleaned. CI-5 did not pay for the cleaning; she assumed that Individual A paid. CI-5 stated that she went with Individual B and CI-4 to KIMMEL's office. CI-5 said that she did not take any money to KIMMEL, and did not know anything about other girls taking money to KIMMEL.<sup>4</sup>

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<sup>4</sup>The Individual A wire intercepted over a thousand calls between Individual A and females working for him as prostitutes, as well as third parties, in which Individual A refers to himself as a "pimp," and the girls as "hos" or "bitches" who are "turned out" onto the "track." In many of the calls, the girls report to Individual A concerning sexual acts performed with "johns" and the money they received in return. There are also numerous conversations in which Individual A refers to transporting the prostitution victims, or causing them to be transported, from state to state.

**E. Additional Investigation By MSP**

60. Between approximately January and October 2005, MSP performed periodic surveillance at 15353 Lauder, 11702 Beaverland, and 6414 Asbury Park (an address where, according to CI-4, Individual C resided in and after January 2005), all located in Detroit, Michigan, and observed the following vehicles that were registered to KIMMEL: 2003 Mercedes Benz G500, Illinois plate 4992311; 2005 Chrysler 300C, Illinois plate 7378167; 2004 Dodge Pickup, Illinois plate 6835851; 2004 Lexus, Illinois plate 6897946; 2004 Chevrolet Corvette, Illinois plate SECRET; and (in October 2005) white Honda truck with Illinois temp sticker.

61. On or about October 19, 2004, MSP Troopers Kurowski and Seibt stopped a silver 2003 Mercedes Benz G500 bearing Illinois registration 4992311. The Troopers learned through a public records query that the car was registered to KIMMEL in Chicago. (See paragraph 14, *supra*, concerning KIMMEL's purchase of the 2003 Mercedes G500.) Individual B was driving the Mercedes. When asked who the vehicle belonged to, Individual B said KIMMEL was her friend, and he allowed her to drive the car back and forth from Chicago. Individual B was issued citations for having no operator's license and no proof of insurance.

62. On or about February 25, 2005, MSP observed a silver 2004 Lexus bearing Illinois registration 6897946, registered to KIMMEL, leave the 15353 Lauder address. (See paragraph 16, *supra*, concerning KIMMEL's purchase of the 2004 Lexus.) MSP believed the driver to be Individual C. MSP followed the Lexus to a Ramada Inn located at I-696 and Dequindre. The driver entered room 130B. MSP observed two white males visit the room. Several days later, on February 28, 2005, MSP saw a woman they believed to be Individual C driving the Lexus, and knowing Individual C's license was suspended, they made a traffic stop. The driver was identified as

Individual C. MSP found a large quantity of condoms in Individual C's purse and a total of \$450 in cash in the purse and glove box. MSP also found three notebooks containing names and telephone numbers, which Individual C later advised were prostitution ledgers. Individual C stated that she was an "escort." When asked if that meant she was a prostitute, Individual C said, "prostitutes walk the street, I don't walk the street." Individual C said she had an advertisement on eros.com. She said she lived at 15353 Lauder with her boyfriend, and that she had been living there for approximately one month. Individual C said she charged \$250 an hour and during a good month made \$12,000. When asked who the vehicle belonged to, Individual C said it belonged to GARY KIMMEL. She said that KIMMEL was a long time friend of her father's. Individual C said she didn't have credit and couldn't buy a car. When asked how she obtained the vehicle, Individual C said that KIMMEL drove the car from Chicago to Detroit. Individual C said the car was purchased in Chicago. She said she pays KIMMEL \$700 per month. She said she sees KIMMEL every couple of months and makes the payments at those times. When asked about Individual A, Individual C said that he was her ex-boyfriend.

63. MSP subsequently contacted Individual C's father. He said that he was aware his daughter was working as a prostitute and that she had been working as such for some time. He said he had no association with GARY KIMMEL and did not know who KIMMEL was.

64. On or about July 21, 2005, the MSP again arrested Individual C, who was again driving a Lexus registered to KIMMEL, this time the 2005 Lexus. (See paragraph 16, *supra*, concerning KIMMEL's purchase of the 2005 Lexus.) The MSP interviewed Individual C after the arrest. She gave a written statement, that said:

I do Escort, I charge \$250 incall \$350 outcall. I have a picture at on [sic] the Internet, gentlemen call my phone meet me somewhere exchange money. [It's] \$250

the walk in another \$150 for sex. I've been doing this for 3 years, Escort. I averaged 6-7 clients a day. I make up to \$1000 dollars a day. I believe I make over a hundred thousand a year. I've been to Hawaii, Vegas, Chicago, New York, Florida. I don't have a bank account so my Friend [Individual D] puts it in her bank account at Bank One. \$80,000. I have \$50,000 in my attic. I gave GARY KIMMEL \$40,000 to pay my car. He is a dentist in Chicago. I have no credit. He's a family friend[,] met him from my parents.

65. On July 22, 2005, at approximately 1:09 p.m., Sergeant Price of the MSP placed a consensually recorded call to KIMMEL over KIMMEL's office telephone. Price stated that he was calling in reference to a 2005 Lexus owned by KIMMEL. Price told KIMMEL that the MSP had arrested Individual C on a warrant for drugs, and that the car had been impounded. When asked how he knew Individual C, KIMMEL stated, "She's one of my patients and a friend. I let her use the car." Price told KIMMEL that Individual C's record showed a history of prostitution. KIMMEL responded, "I was not aware of that . . . not aware of those things." KIMMEL stated that he was paying for the Lexus, and Individual C had not given him anything for the car. When asked how well he knew Individual C, KIMMEL said, "I know her well enough that I would let her use my vehicles. I mean to that extent I know her. I don't know her beyond being friends with her. Having dated her a little bit, you know things like that. Personally issues . . . other than getting into this kind of stuff, I never had any idea." KIMMEL told Price that he did not know if Individual C was working, or where she was living. KIMMEL stated that he did not want the prosecutor to "grab my car," because "I owe a ton of money on that thing." KIMMEL stated that his office telephone number was the best number to reach him.

**F. Communications Between KIMMEL and Individual A**

66. At approximately 12:27 p.m. on June 30, 2005, (Session 410 on Individual A wire), Individual A and Individual B discussed Individual B's taking a car (the Corvette with the

“SECRET” license plate) to Washington, D.C. without Individual A’s permission. Individual A told Individual B that “Doc” [KIMMEL] was upset because if anything happened to the car, it would fall back on Doc (because the car is registered to KIMMEL). The same day, at 5:46 p.m., (Session 476 on Individual A wire), Individual A placed a call to KIMMEL’s cellular telephone. Individual A asked KIMMEL if KIMMEL had spoken with Individual B. KIMMEL said he did. Individual A said he couldn’t have Individual B getting in an accident, it’s a bigger responsibility than what she thinks. KIMMEL said, “Ultimately, it all falls back on me.” Individual A replied, “Right, Doc’s doing me a favor.” KIMMEL asked if Individual A was coming down to see him. Individual A said he was. Individual A then told KIMMEL to call Individual B, because if anything happens to the car, it will be a report on KIMMEL. Individual A said that the car was a \$57,000 car. Individual A then instructed KIMMEL to tell Individual B that he will put out a missing car report if she doesn’t do the right thing and bring the car back. KIMMEL said he would tell Individual B, “I loaned this car to my friend . . . , and apparently you took it without his permission, so that’s the bottom line . . . .”<sup>5</sup>

67. At approximately 5:10 p.m. on July 1, 2005, (Sessions 688 and 689 on Individual A wire), KIMMEL called Individual A on KIMMEL’s cell phone. Individual A recounted for KIMMEL his conversations with Individual B. KIMMEL agreed to call Individual B. Individual A told KIMMEL to be stern with Individual B, and to tell her that he will give up Individual B’s real

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<sup>5</sup>At approximately 8:12 p.m. on June 30, 2005, (Session 510), Individual A called Individual B and asked why she called Doc (KIMMEL). Individual A repeated that everything regarding the car fell back on KIMMEL, and he didn’t need any trouble or any problems. At approximately 2:15 p.m. on July 1, 2005, (Session 659), Individual A called Individual B and said when he gets the car back, he’ll make it so she will never call him. Individual A told Individual B to call back or she will have a problem. Individual A left two additional, threatening messages for Individual B on the afternoon of July 1, 2005 (Sessions 660, 661).



name and report the car stolen. KIMMEL asks, “Is there any shit that she can turn on you if she gets nasty?” Individual A said no, everything he does is legit. KIMMEL said he will say (to police), “I loaned this car to my friend Individual A, and what happened from there I don’t know, but he called me and told me the car was missing, so I’m calling to report it stolen. . . . That’s how we’ve got to play it, then.” Individual A said with reference to Individual B, “She’ll scare straight.” KIMMEL asks Individual A why Individual B took off. Individual A replied, “[Individual G]. She’s jealous of [Individual G], you know?” Individual A said, “[Individual B’s] been my pretty much number one black girl for years now, but she’s intimidated by [Individual G] because [she] owns two houses, she’s only 19 and she’s a full-time honor roll student at school . . . . You know how it is, Doc.” (See paragraphs beginning at 67, *infra*, regarding Individual G.)

68. On July 1, 2005 at approximately 5:49 p.m., (Session 697 on Individual A wire), KIMMEL called Individual A over KIMMEL’s cellular telephone. KIMMEL said he and Individual B had a long conversation, and she is not happy with Individual A. Individual A said you can’t please them all, she’s living in a nice house by herself with new furniture, he’s paying for her to go to school, and she’s driving a \$57,000 car. KIMMEL said that Individual B stated Individual A gave her the car. KIMMEL said he told Individual B, “He may have let you drive that car, but he can’t give something to you that belongs to me. Do you see the name on that title? . . . I own that car.” KIMMEL told Individual B that the money for the car was due today and Individual A isn’t going to pay for it. Individual B told KIMMEL she would pay for it, and she would return the car to KIMMEL by the end of the month. KIMMEL told Individual B that if she gets in a problem with the car, it’s KIMMEL’s problem, and he doesn’t want problems. Individual A told KIMMEL that he can’t give her any room to breathe; “you keep your hand on their throat and make them stay and

comply. You done give her room for a month.” KIMMEL said, “Sorry, I guess I did.” KIMMEL said, “if it gets reported stolen, with her criminal stuff going on in the court, she’s in big trouble.” Individual A said, “I don’t have time to baby with these girls and their emotions.” KIMMEL said, “She commented [meaning Individual B] you [meaning Individual A] threatened to kill her or have her killed.” Individual A said if he has to send someone up to get the car from Individual B, he wants the person to drag her out of the car and throw her on the ground. KIMMEL said he made it clear to Individual B that it wasn’t her car. KIMMEL said he will get on Individual B’s case; he wants to be nice but firm. KIMMEL said, “I’m still thinking back on the things you told me, when these girls want to leave, you give them something, you give them money, you give them clothes, and they come back.” Individual A said that Individual B can’t have the car; he offered her money on the phone; she has all her jewelry and Rolexes, and Individual A has nothing of hers. KIMMEL repeated that he said to Individual B, “I told her it wasn’t hers. You know whose name is on that title. Until that thing gets paid for, it’s clearly mine.” Individual A said, “Doc, don’t be nice to these girls, man. That’s how they are, Doc. I go through these girls year after year after year. I do the best for ‘em while I’m here. They want to go? I let ‘em go. No problem whatsoever. But when it comes down to you trying to screw me on your way out the door . . .” KIMMEL responded (agreeing with Individual A), “Don’t do that.”

69. On July 5, 2005 at approximately 12:37 p.m., (Session 1144 on Individual A wire), Individual A called KIMMEL over KIMMEL’s office telephone. KIMMEL stated, “I saw asshole the other day, he was on Michigan Avenue, I couldn’t turn around to catch up to him, I was going the wrong way.” Individual A stated, “Really.” KIMMEL stated, “Yep, he was in town, [a girl] in the car with him too.” Individual A asked, “What car?” KIMMEL stated, “Prowler, he spotted me

too, I think.” KIMMEL further stated, “I could not get turned around fast enough to even think of chasing him.” Individual A stated, “So he did actually get plates on it.” KIMMEL said, “Oh no, they’re not actually expiring till next month, or the end of this month.” KIMMEL stated, “If the car gets impounded, the car has already been flagged; he has the whole thing marked down in Springfield if something comes up.” Individual A asked what’s up with Individual B. KIMMEL said he couldn’t turn her in, and she will pay the note on the car for the month. Individual A said, “You are working against me with this bitch; men don’t deal like that.” Individual A said he would send KIMMEL money.

70. On July 5, 2005 at approximately 1:08 p.m., (Session 1154 on Individual A wire), KIMMEL called Individual A over KIMMEL’s office telephone. Individual A said, “That’s alright though, I’ll get the car, I’m going to fly someone up there to get it. I’ll pick her up and slam her on her fucking back.” Individual A said this is going to cost him some extra money. KIMMEL said he’s not happy about Individual A’s losing money on this. Individual A said that Individual B is manipulating KIMMEL and thinks of him as a “John.” KIMMEL said he doesn’t like to hear that. Individual A said he wouldn’t do anything against KIMMEL on any level; that’s why people have faith in Individual A. KIMMEL says, “I do have faith in you.” Individual A said, “. . . all of em. They some throwaways, just like that bitch [Individual B], she a throwaway. When it comes to me and you, and take care of real business, I’ll cut all them legs off for you.” KIMMEL responded, “I’m glad to hear that.” Individual A said, “For you to take some fucking money from her [Individual B] for my damn car, oh my God. Unbelievable, that is unbelievable.” KIMMEL states, “That wasn’t the way it was intended to be.” Individual A states, “I’ll never let my people get with people I deal with no more, I thought your loyalty was with me.” KIMMEL says, “Well it is.”

KIMMEL ended the conversation with, “. . . let me call you back, I have an investigator on the phone about [Individual E] right now, I'll call you back.”

71. On July 5, 2005, at approximately 2:41 p.m., (Session 1177 on Individual A wire), Individual A called KIMMEL over KIMMEL's office telephone. Individual A told KIMMEL, “Doc, one thing you got to understand with you and me taking care of real business, when you go accepting money from the girls, I been indicted by the grand jury for money laundering and tax evasion. Three counts of money laundering and two counts of tax evasion. The grand jury indicted every one of my girls for a sworn affidavit. Nobody could say nothing cause my man and them at the car dealership, ah Italian boys you know what I'm saying, we had been dealing with each other. No girl could ever say nothing at trial cause they never dealt with nobody.” KIMMEL responded, “OK.” Individual A said, “You go accepting money from somebody, than she can go be a witness against you on any kind of thing like money laundering. You don't get involved with dealing with no female. Without me, you would not know them.” KIMMEL stated, “That's a fact.” Individual A said he should have just bluffed Individual B about the car. KIMMEL said, “It won't happen again, it will never happen again. I'm not going to work against you, that's for sure.” Later in the conversation, Individual A told KIMMEL that Individual C needs to come back to KIMMEL to have a tooth fixed.

72. On July 8, 2005, at approximately 2:28 p.m., (Session 1501 on Individual A wire), KIMMEL called Individual A over KIMMEL's office telephone. KIMMEL left a voicemail message for Individual A to call back and have the license plate number for the Chrysler 300 that Individual G's driving. KIMMEL thinks there's an issue going on.

73. On July 8, 2005, at approximately 3:48 p.m., (Session 1506 on Individual A wire),

Individual A called KIMMEL over KIMMEL's office telephone. KIMMEL told Individual A, "I got your shoes, by the way." (See *infra*, at paragraphs 85-86.) KIMMEL told Individual A that he received a ticket in the mail for \$90. Individual A said this was a parking ticket. KIMMEL said this was on the car that Individual G's got; he didn't recognize the license plate, but he figured out it had to be that one. Individual A said he had taken care of the ticket but not the late fees. KIMMEL said the other issue is, "I thought you were going to put something together for me." Individual A said he's been trying, he's "got a bunch of irons in the fire right now." Individual A told KIMMEL that his previous mail lady told Individual A that the post office had an order to copy his mail for at least two months. KIMMEL responded, "no kidding." Individual A said not to send anything to that address any more. KIMMEL said, "Sounds like somebody's watching you." Individual A doesn't know what the deal is. KIMMEL said, "It's good you got the word on that." Now, Individual A sends everything to the store. KIMMEL told Individual A that Individual B had sent him \$500 for the first half of the car payment. Individual B promised to send the second half of the payment by the end of the month and to return the car before the end of the month. KIMMEL asked, "Anything else you got for me going on?" Individual A said no. KIMMEL said, "I'm kind of dying on the vine over here, so if you can get something pulled together, let me know."

74. On July 12, 2005, at approximately 5:10 p.m., (Session 2037 on Individual A wire), Individual A called KIMMEL over KIMMEL's office telephone. KIMMEL told Individual A that payments were \$964.31 a month, and Individual A was right at \$41,000. Individual A asked whether KIMMEL had heard from Individual B. KIMMEL said he had not heard from Individual B since she sent some money, but she promised to send additional money and bring the car back. KIMMEL asked if Individual B had a "good attitude now." Individual A said he would have the

car back by Monday. KIMMEL told Individual A to tell him if he got the car; “don’t keep me in the dark on this shit.” Individual A said he would report the car stolen. KIMMEL responded (agreeing), “Scare her a little bit.” KIMMEL asked, “Are you doing any good for me putting this package together we were talking about?” Individual A said he has been working on it for two days. KIMMEL said, “I’ve been dying on the vine covering this damn thing. I may have other issues. I was going to talk to you, but I don’t want to talk on the phone unless you think your line’s secure.” KIMMEL told Individual A to come visit him as soon as he gets a chance.

75. On July 25, 2005, at approximately 5:56 p.m., (Session 3907 on Individual A wire), Individual A called KIMMEL over KIMMEL’s office telephone. KIMMEL stated that he called Individual B yesterday, and she said that Individual A agreed to take care of the balance on the Corvette. Individual A said that Individual B said she was going to send Individual A the money, but he hasn’t gotten it yet. KIMMEL said now is Individual A’s chance to issue the threat; if Individual B doesn’t have the money to Individual A in two days, he will call the car in stolen. KIMMEL asks what’s going on with that car. (See *supra*, at paragraph 65, concerning MSP Detective Price’s July 22, 2005 call to KIMMEL concerning the car Individual C was driving.) KIMMEL said she [Individual C] is loose and should know where the car is.

76. On August 4, 2005, at approximately 3:50 p.m., (Session 232 on Individual A wire)<sup>6</sup>, KIMMEL called Individual A over KIMMEL’s cellular telephone. KIMMEL told Individual A the amounts due on various cars (\$35,400 on the Corvette, \$36,400 on the Viper, \$30,600 on the Lexus). Individual A and KIMMEL discuss contacting someone to attempt to sell the Viper.

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<sup>6</sup>On or about August 1, 2005, the FBI restarted the session numbers on the Individual A wire, from zero.

77. On August 8, 2005, at approximately 1:11 p.m., (Session 524 on Individual A wire), Individual A called KIMMEL over KIMMEL's office telephone. KIMMEL told Individual A he had called this morning to get insurance for the car but realized he could not insure the car in Illinois, because the car would have Michigan plates. KIMMEL wanted to be sure Individual A would get Michigan insurance immediately, because "I can't have that kind of risk with something out there with my name on it." Individual A said that right now, the car is sitting in the shop, and no one is driving it. Later in the call, KIMMEL repeated, "I can't have that kind of exposure out there."

78. On August 8, 2005, at approximately 1:43 p.m., (Session 525 on Individual A wire), KIMMEL called Individual A over KIMMEL's office telephone. KIMMEL stated, "More issues. . . . Nothing's easy when you play these games." KIMMEL said that "they" said they needed some kind of electric bill or phone bill showing that KIMMEL had a residence in Michigan. KIMMEL told them that he just moved in and doesn't have any of that yet, but will get them a copy as quick as he can get one. KIMMEL said, "They're just trying to prove up that I have a Michigan residence." Individual A said KIMMEL could just call in and order a phone, then cancel it. Later in the call, KIMMEL said, "Meanwhile, friend, I'm advancing funds again to pay your bills, because I'm not getting any money yet." KIMMEL told Individual A he expects to get a check in a week.

79. On August 8, 2005, at approximately 2:19 p.m., (Session 530 on Individual A wire), Individual A called KIMMEL over KIMMEL's office telephone. Individual A told KIMMEL that someone just stole the new [Chrysler] 300. Individual G just called Individual A from a boutique at Meyer and 7 Mile. She came out and saw busted glass on the ground. Individual A told her to call the police and to call KIMMEL to get the plate and VIN number. Individual A told KIMMEL

to tell “them” [police] that he loaned the car to a friend, Individual G. Individual A said Individual G will call KIMMEL right away, and gave KIMMEL Individual G’s phone number. The car was the latest one Individual A and KIMMEL got, the silver Hemi. KIMMEL said, “It just never ends. These people are going to be jacking up my rates.”

80. On August 9, 2005, at approximately 3:36 p.m., (Session 1010 on Individual A wire), KIMMEL called Individual A over KIMMEL’s cellular telephone. KIMMEL said he was not doing good, he just took a major tongue lashing from his insurance agent, putting him in a new frame of mind. The agent said KIMMEL has to learn to say no when someone needs to borrow his car, if anything happens there are going to be real problems with insurance, putting him on the financial line. KIMMEL said, “I think we’re going to have to rethink this whole deal. We’re probably going to have to start getting these things [the cars] out of my name. I don’t care where you put ‘em. I’ll help you get ‘em when you need ‘em, but you’ve gotta move ‘em. I can buy ‘em for you, but you’ve got to get ‘em paid out quickly so you can move ‘em and give ‘em to somebody else.”

81. On August 10, 2005, at approximately 12:48 p.m., (Session 1089 on Individual A wire), KIMMEL called Individual A over KIMMEL’s office telephone. KIMMEL said he had his big interview with the insurance company this morning and needs to talk to Individual G as quickly as possible to make sure she knows what the questions are. When the insurance company representative asked KIMMEL how he knows Individual G, he said she was a personal friend. KIMMEL said the insurance company would ask Individual G the same questions, and she can’t give the wrong answers. Individual A put Individual G on the phone with KIMMEL. KIMMEL told Individual G what he told the Farmer’s Insurance Company agent: that Individual G told KIMMEL she needed a car, KIMMEL agreed to let her use his car for a month, and that Individual



G and KIMMEL were personal friends. KIMMEL said, "That's what you say." KIMMEL said that Individual G should tell the agent that she called KIMMEL immediately and told him the car was stolen, and KIMMEL told her to file a police report. KIMMEL said Individual G should say that she picked up the car in Chicago at KIMMEL's house. If they ask anything about KIMMEL's wife, Individual G should say that she knows KIMMEL's wife, but doesn't know anything about her.

82. On August 10, 2005, at approximately 12:54 p.m., (Session 1090 on Individual A wire), Individual A called KIMMEL over KIMMEL's office telephone. KIMMEL told Individual A that the insurance company asked about where the stolen car was insured and how many miles it had on it. KIMMEL wanted to tell them 2,000, but he told them 8,000, in case they actually find the car. KIMMEL talked to an individual who needs a bill from Detroit so that he can straighten out the address thing. Individual A asked if the bill needs to be in KIMMEL's name. KIMMEL responded no, the individual will just doctor it up. KIMMEL stated he is still paying for all this stuff, and it is putting a squeeze on him.

83. On September 22, 2005, at approximately 9:25 a.m., (Session 3 on KIMMEL wire), KIMMEL retrieved a voicemail message from an employee at Farmer's Insurance. The employee said that he handled all stolen car claims in Detroit, and he was finishing the investigation concerning KIMMEL's stolen 300. [See paragraph 79, *supra*.] The employee stated that Farmer's Insurance was going to take care of everything and get the car fixed for KIMMEL, they just needed to know who to release the vehicle to when repairs were complete. Later that day, at approximately 12:14 p.m., (Session 6 on KIMMEL wire), KIMMEL spoke with the employee over KIMMEL's cell phone. The employee told KIMMEL that once the car was repaired, the employee would have the car transported to KIMMEL in Chicago. KIMMEL responded, "Ah, he doesn't have to do that, I

can probably have it picked up there.” The employee gave KIMMEL instructions on who to call to pay the deductible so that the repairs could be completed.

84. On September 23, 2005, at approximately 10:45 a.m., (Session 13 on KIMMEL wire), KIMMEL spoke to a representative of Town & Country Credit concerning potential refinancing of a loan. The representative asked KIMMEL questions about his credit report, including his outstanding balances on multiple car loans. The representative asked, “How many cars do you have, Dr. KIMMEL?” KIMMEL said he had “seven or eight.” The representative asked, “Oh wow, you collect them?” KIMMEL responded, “Yeah, I maneuver them a lot. . . . Depends on my mood for the day what I drive.” The representative said, “Wow, so kind of you have a Corvette, you have a Mercedes I saw, Volkswagon, what else do you have?” KIMMEL replied, “Ah, Hemi Chrysler, Viper, Corvette, what else is there? . . . It’s just a monandry of stuff. . . . It’s ah, like I said, whatever I feel interested in for the day.” The representative said, “Right, you have one for every day of the week, that’s great.” KIMMEL replied, “Yeah, I do . . . .” After further discussion of KIMMEL’s outstanding loans on the cars and his real estate, KIMMEL stated, “I’d have to look on my computer. I got to use my computer to tell me what I owe where.”

85. On September 30, 2005, at approximately 4:33 p.m., (Session 645 on KIMMEL wire), Individual A called KIMMEL over KIMMEL’s office telephone. KIMMEL told Individual A that he was filling out a proof of loss form for Farmer’s Insurance for the Chrysler that was damaged. Individual A provided information about the car to KIMMEL. Toward the end of the call, KIMMEL stated, “Did you get my shoes for me?” Individual A responded that he sent the shoes out today, he has been to the post office and everywhere today. KIMMEL said he was looking to see them tomorrow so that KIMMEL can take care of everything right away. Individual A said he

will take care of the deductible on another of the cars. KIMMEL said, "Okay, so I don't have to send that."

86. On October 5, 2005, at approximately 2:04 p.m., (Session 145 on KIMMEL wire), KIMMEL called Individual A over KIMMEL's cell phone. KIMMEL said, "I am just trying to figure out what is going on, I didn't find my shoes. I got everything coming at me, and I got nothing." Individual A responded, "You didn't get the shoes?" KIMMEL said, "No I didn't, they weren't there as of yesterday." Individual A said he would see what was going on. Keeping the line with KIMMEL open, Individual A then used a different phone to contact a colleague. Individual A asked the colleague about the steps he took to send the package to KIMMEL. Returning to the line with KIMMEL, Individual A stated that the package did not go out until Monday, but it should have gotten there by now. KIMMEL said, "Okay, then it will probably be there today then. It wasn't there yesterday, and that is why I was getting kind of concerned. That's why I called you." KIMMEL then told Individual A about various discussions he has had with third parties about insurance and repairs on the cars, including a Honda and a Chrysler. Toward the end of the call, KIMMEL stated, "I'll be in touch with you and let you know what it is, and we'll take care of that somehow. I have no idea what size I got coming here, but we'll see."

87. On October 6, 2005, at approximately 11:04 a.m., (Session 950 on KIMMEL wire), KIMMEL spoke to a representative of Farmers Insurance from his office telephone. The representative told KIMMEL that he needed documentation on two of KIMMEL's vehicles insured by Farmers, an Infiniti and a Honda. KIMMEL stated, "Let me just see what I got in my computer . . . ." KIMMEL found the documentation about the vehicles that the representative was requesting on his office computer and in his office, and agreed to fax the documents to the representative.

88. On October 13, 2005, at approximately 10:21 a.m., (Session 1371 on KIMMEL wire), Individual A telephoned KIMMEL over KIMMEL's office telephone. KIMMEL asked Individual A who would be picking up the car [the Chrysler 300]. Individual A said his brother would pick up the car. KIMMEL asked Individual A, "I'm going to be OK when this thing arrives today? I'm 8500 down right now. Insurance payments and deductible." Individual A responded, "Yeah."

89. On October 13, 2005, at approximately 10:43 a.m., Postal Inspector Esteban Santana notified FBI agents that the United States Postal Inspection Service in Chicago intercepted an Express Mail package, addressed to KIMMEL. The label of the package showed that it was an Express Mail package bearing serial number EQ036673998US, addressed to Doc. GARY KIMMEL, 300 N. State St., Apt. 5617, Chicago IL 60610, with a return address of Individual G, 13565 Finkell Rd., Detroit MI 48227, weighing three ounces, with a sticker stating "U.S. postage paid Honolulu, HI 96814 Oct 11, '05 amount \$13.65."

90. The same day, U.S. Magistrate Judge Maria Valdez approved a search warrant for federal agents to open the Express Mail package, examine its contents, then deliver it to KIMMEL with delayed notification. Agents executed the warrant, and found that the package contained \$5,000 worth of money orders in \$500 increments.

91. On October 15, 2005, at approximately 8:38 p.m., (Session 271 on KIMMEL wire), KIMMEL spoke with Individual A over KIMMEL's cellular telephone. Toward the end of the conversation, KIMMEL said, "I did get the little package you put." Individual A said, "I gotta put the rest with it, yeah." KIMMEL responded, "Yeah, say just the other half of it'd be good, then I'll be all set." Individual A said, "OK, no problem, get that to you." KIMMEL said, "Yeah, please do cause I'm still comin up short on my end too."

**G. MSP Search Warrant**

92. On or about October 13, 2005, MSP obtained a search warrant from the State of Michigan, County of Wayne, to search several locations affiliated with Individual A. MSP executed the warrant on October 13, 2005.

93. On October 13, 2005, at approximately 2:57 p.m., (Session 1409 on KIMMEL wire), Individual A called KIMMEL over KIMMEL's office telephone. Individual A said he had the car [the Chrysler 300], but he had bad news: "the State boys are raiding my house right now, you should be getting a call." Individual A said, "Whatever you do, don't answer any questions ya know, nothin but your lawyer that's all you say if they come to you about anything." KIMMEL asked, "Is something there they'd have on me?" Individual A said, "Nothing but the vehicles, that's it." KIMMEL said, "Shouldn't I just tell them that you're a friend of mine, I loaned them to you?" Individual A said, "Yeah, tell them that [Individual C] is a friend of yours and you loaned her one, she's storing one." KIMMEL said, "This is [Individual C's] place, right? . . . Yeah, I loaned her one, she's storing one." Individual A said, "Right, she's storing the Infiniti truck and I loaned her the Honda." KIMMEL replied, "But we don't have plates on those yet though, shit." Individual A said (coaching KIMMEL), "That's alright, the plates expired on the tenth, that's why I can't drive them. . . . You don't have to answer mack, talk to my lawyer, you ain't gotta answer nothin. I'm just giving you a heads up in case they contact you." KIMMEL stated, "It's good you told me before they got to me." Individual A said, "I don't know what it's about, but I'm just giving you a heads up until I find out anything else." KIMMEL said, "Who's my lawyer?" Individual A responded, "You just tell em that. . . . Just lawyer, lawyer, lawyer." KIMMEL stated, "I will say I loaned my car to [Individual C], and she's storing the other one, and if there is anything else going on, I don't

have any knowledge, you'll have to talk to my lawyer.” Individual A said, “Exactly.”

94. On October 15, 2005, at approximately 8:38 p.m., (Session 271 on KIMMEL wire), KIMMEL spoke with Individual A over KIMMEL’s cellular telephone. Individual A said that KIMMEL needed to contact “them” [the MSP] about the status of KIMMEL’s vehicles. Individual A said no one was driving the cars, they were parked. KIMMEL said, “Yeah, they weren’t involved in any illegal activity that I know of.” Individual A said (coaching KIMMEL), “I want em back, simple as that.” Individual A described items that the MSP seized. Individual A stated, “I had threw away all kind of papers, you know, anything your name in before I had left. . . . I threw away everything, any paper, any insurance paper, anything that I had with your name, all that’s gone.” KIMMEL said, “So they got nothing on me, anyway.” Individual A said, “No, you let somebody drive your cars. So what. I can do that, you know.” Individual A described how he’s been moving for two days “cause they knew where I was.”

95. On October 17, 2005, at approximately 11:59 a.m., (Session 1546 on KIMMEL wire; also consensually recorded), KIMMEL spoke with MSP Sgt. Price on KIMMEL’s office telephone. Price told KIMMEL that he had possession of some of KIMMEL’s cars, because they came up in Price’s investigation concerning a prostitution ring. KIMMEL stated, “That’s impossible.” Price said that one of the cars registered to KIMMEL had a Michigan address. KIMMEL stated that he has a Michigan address, and he stays there occasionally. KIMMEL said the address is 18701 Grand River Avenue; he stated it was an apartment, number 212. KIMMEL said he has been in and out of there six or eight times in six months.<sup>7</sup> KIMMEL

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<sup>7</sup>According to a Detroit FBI agent who drove by the location, the address 18701 Grand River Avenue, Detroit, Michigan, is a UPS Store. “#212” is believed to be a mailbox number, not an apartment.

stated he purchased the cars in Illinois, and he is paying taxes on them in Michigan. Price asked who was driving KIMMEL's cars in Michigan. KIMMEL said Individual C is the only one who should be driving the cars; she should be storing the others. Price asked if KIMMEL had ever been on Lauder Street. KIMMEL said yes, he had been there, and a fellow named Individual A lived there. KIMMEL said Individual A was a tenant of his, and rented an apartment from him at 300 N. State Street. KIMMEL said that he has known Individual A for four or five years. Price asked KIMMEL how close he was with Individual A. KIMMEL said, "We're friendly. Never had a problem with the guy. He always paid everything he's supposed to. He did everything right." Price asked if the relationship was anything more than a renter-type relationship. KIMMEL said no, "not at all; I have no issues with that man." Price asked what Individual A's relationship was to Individual C. KIMMEL said he had no idea. Price asked if KIMMEL knew that Individual C lived with Individual A, and KIMMEL said no. Individual A asked what KIMMEL's relationship was with Individual G. KIMMEL said he knows Individual G, she's been a patient for seven to eight months. KIMMEL said, "In fact, I think she came in with [Individual A]. . . . They were in town at the same time together, I know that." KIMMEL said they were here this year. Price asked if KIMMEL had a medical file on Individual G. KIMMEL responded, "I'm not sure if I do or not. . . . I know I had her in my chair, so I'd have to look . . . . If I did anything other than cleaning, it would be in her record." KIMMEL said that generally he would have a file. KIMMEL said he was pretty sure he had records on Individual C, and she has been a patient for a couple of years. Price asked whether KIMMEL had a file on Individual D. KIMMEL said he didn't know who that was. KIMMEL said Individual C was the only one who had permission to drive the vehicles. KIMMEL said

it was OK for Individual A to drive the vehicles, too. Price asked when was the last time KIMMEL had been up in Detroit. KIMMEL said, probably four months ago. KIMMEL said he went by Individual A's house on Lauder Street and to the casino. Price asked how many vehicles total Individual C was supposed to be storing for KIMMEL. KIMMEL said three; one she was given permission to drive, and the other two should be stored. Price asked, who should have the black [Chrysler] 300 that was stolen and that Individual G was driving? KIMMEL said that Individual A's was supposed to pick that car up from the shop. KIMMEL said that car was supposed to be coming back to him in Chicago. Price asked about the Lexus. KIMMEL said he sold it about a month ago to a dealer. Price asked if KIMMEL had all the paperwork on the vehicles; he said they may be forfeited because they were involved with a prostitution ring. KIMMEL responded, "Oh Jesus." KIMMEL said he had paperwork on all of them. KIMMEL said, "I had no idea this kind of thing was going on, and I'm really upset about it." Price asked about the Corvette. KIMMEL said it's not back with him, it's up in Michigan somewhere. Price asked, "Has it been stolen?" KIMMEL said, "It's not stolen, better not be stolen. . . ."

Price asked, "Do you know who's supposed to have that one?" KIMMEL said, "[Individual A] was supposed to have it, I'm gonna have to find him now. Do you know where he is?" KIMMEL said, "Last time he was at [UI] where the Corvette was stored." Price asked about the Viper truck. KIMMEL said that the Viper truck was being used by Individual A's brother. KIMMEL said he was trying to get rid of these cars, "all this aggravation I've been having." KIMMEL said he had two cars in Chicago, a Mercedes truck for him and an Audi convertible for his wife. KIMMEL said that total, he had about eight vehicles in his name. Price said, "I'm just curious, you have eight vehicles and more than half are being driven by a pimp and



prostitutes?” KIMMEL said, “Well see I don’t know that, that’s the first time I’m hearing something like this.” Price said they were trying make a decision if KIMMEL would get the cars back or if they were going to be forfeited. KIMMEL said, “I’ve got nothing to do with this kind of action. . . . It sounds like I’m going to need an attorney involved in this now.” Price asked if KIMMEL had a way Price could get in contact with Individual A, did KIMMEL have a contact number for him. KIMMEL said no, but Individual A should be getting in contact with KIMMEL. KIMMEL said he last spoke to Individual A two days ago, and Individual A said that the State police grabbed the cars. KIMMEL said that was all Individual A told him, and that KIMMEL said he wanted his cars back. KIMMEL said that he asked Individual A why MSP took the cars. KIMMEL said that Individual A responded, “I don’t know. They were parked. They were not doing anything.” KIMMEL told Price that if MSP had the cars doing something wrong, there’s probable cause; but here the cars were sitting at a private person’s house: “I don’t understand this.” Price told KIMMEL that the cars were mixed up in Individual A’s criminal prostitution ring. Price said he had pictures of girls in Chicago. KIMMEL said, “I wouldn’t know anything about that kind of stuff. I sincerely don’t know.” KIMMEL said he keeps cars in Michigan because it is cheap, “that’s what this was all about.” KIMMEL asked if they were paying KIMMEL to use the cars. KIMMEL said no, they were just storing KIMMEL’s cars. Price asked if KIMMEL had a number for Individual C. KIMMEL said he had a number in the file. Price asked KIMMEL to look for the number. KIMMEL checked the office file, and responded that Individual C’s number was 616-633-7695. At Price’s request, KIMMEL provided a number for Individual G, 313-980-2600. Price asked who was living in KIMMEL’s apartment on Grand River when KIMMEL’s not there. KIMMEL said, Individual

C. KIMMEL also described the dental work he did on Individual G (after locating the file in his office).

96. On October 17, 2005, Individual A spoke with Sgt. Price of MSP, and the call was consensually recorded. Individual A initially identified himself by his aliases, then stated, “you know my real name is Individual A, right?” Individual A asked if the call was being recorded, and Price said no. Individual A said that KIMMEL had provided Price’s number to Individual A. Price said he had some items to get back to Individual A. Individual A said he had been out of jail 16 years and hadn’t done anything. Individual A said, “They give me gifts.” Price said, “Who? The girls give you gifts?” Individual A said, “Yeah, they give me gifts.” Price asked, “What kind of gifts?” Individual A said, “Everything. Clothes, coats, money, everything.” Individual A said over the years, a lot of girls have given him gifts. Individual A said he was doing a porn website. Price asked Individual A what Individual A’s relationship was with KIMMEL. Individual A said, “He’s a friend.” Price asked why KIMMEL had so many vehicles at Individual A’s place. Individual A said, “I’m willing to drive them, then he lets me drive them. He don’t have nowhere to store them, he’s probably got eleven cars.” Individual A said KIMMEL was a “car buff.” Price asked, “You have to pay him to use his cars?” Individual A said, “No, not at all.” Individual A said he met KIMMEL about five or six years ago when he was a tenant at KIMMEL’s place. Individual A said KIMMEL is a dentist, and does real estate; “that’s all he does.” Price asked Individual A’s relationship with Individual C. He said, “That’s my girlfriend.” Price asked Individual A’s relationship with Individual G. He said, “That’s my girlfriend also.” Individual A said he last saw Individual B a couple of weeks ago in Michigan, but she was now in New York. Individual A said he would

have Individual B call Price. Price asked Individual A about Individual D. Individual A said he spoke to Individual D yesterday, and that she was down in New Orleans with her family, whose homes were destroyed [in the hurricane]. Individual A said Individual D was working for FEMA. Price asked when was the last time that Individual A saw CI-4. Individual A said, "It's been a while, because she stole something from me. . . . Flat screen TV, fur coat, couple bottles of Cristal." Price asked what other employment Individual A had besides the porn website. Individual A said that the website was the only business that he had. Individual A said he used to have a travel agency business, but it wasn't successful, and he took a loss. Individual A said he would leave Michigan and never come back if [police] would leave him alone. Individual A said he was trying to be legit; "I'm not trying to do no money laundering, no tax evasion, doing none of that junk. Trying to do it straight, legit." Price asked if Individual A paid income taxes. Individual A said only this year; "I've been just living off females giving me gifts. Girls like me. They like my style, they like the way I dress, they like the way I carry myself, they like the way I respect them." Toward the end of the conversation, Individual A said, "Dr. KIMMEL is clean. Good man. He just likes exciting people, that's all. That's why he likes me."

97. On October 20, 2005, at approximately 10:03 a.m., (Session 1729 on KIMMEL wire), KIMMEL spoke with Sgt. Price of MSP on KIMMEL's office telephone. Price said he needed paperwork and statements showing how much KIMMEL owes on the vehicles. KIMMEL said he could type something up providing the information.

98. On October 20, 2005, at approximately 12:56 p.m., (Session 1762 on KIMMEL wire), KIMMEL left a message for Individual A concerning his conversation between himself and

Det. Sgt. Price. KIMMEL stated that Price wants a list of what KIMMEL owes on cars, so he can present it to the Judge. KIMMEL said he believes this is a reasonable request, so they can see that KIMMEL has a lot of money in the cars, so they are not free and clear, there are liens against them.

**I. KIMMEL's Bank Accounts**

99. Bank records show that KIMMEL and his wife have maintained a personal, joint bank account at MB National Bank, Account Number 60-64353 (the "MB Account"), since no later than June 2000. Statements for the MB Account are mailed to KIMMEL at 300 N. State Street, Chicago, IL. An analysis of account records shows that approximately \$30,000 worth of money orders were deposited into the MB Account in \$500 increments between 2002 and 2005. These include the following deposits:

10/15/02	\$400	Memo: Individual A
10/15/02	\$400	Memo: Individual A
1/7/03	\$500	Memo: Individual D
6/12/03	\$500	Memo: Individual A
6/12/03	\$500	Memo: Individual A
6/12/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A
11/13/03	\$500	Memo: Individual A

11/13/03	\$500	Memo: Individual A
11/18/03	\$500	Memo: Individual A
11/18/03	\$500	Memo: Individual A
11/18/03	\$500	Memo: Individual A
11/19/03	\$500	Memo: Individual A
11/19/03	\$500	Memo: Individual A
11/19/03	\$500	Memo: Individual A
11/19/03	\$500	Memo: Individual A
12/16/03	\$500	Memo: Individual D
12/16/03	\$500	Memo: Individual D
12/16/03	\$500	Memo: Individual D
12/19/03	\$500	Memo: Individual D
12/19/03	\$500	Memo: Individual D
12/19/03	\$500	Memo: Individual D
1/18/05	\$500	Memo: B. Individual D

100. Bank records show at least two deposits into the MB Account of cashier's checks from Individual D. On or about May 21, 2002, the MB Account received deposits of two \$2,500 cashier's checks from Individual D, for a total deposit of \$5,000.

101. There were also two deposits into the MB Account of cashier's checks drawn on Hawaii banks. On or about April 30, 2003, KIMMEL's account received a deposit of a \$20,000 cashier's check from First Hawaiian Bank. There was no notation on the memo line. On or about April 5, 2005, KIMMEL's account received a deposit of a \$9,000 cashier's check from Bank of

Hawaii.

102. The MB Account shows deposits from various people with a memo line, “rent.” Analysis of the MB Account shows that various people appeared to be making rent payments to KIMMEL for condominiums at Marina Towers, 300 N. State Street, at various times between 2000 and 2005. The purported rent checks were typically deposited once a month and were for the same amount every month. For example, the MB Account records show a September 23, 2003 deposit of \$1,050 from Individual H, with the memo line “G. KIMMEL/Deposit on rent #3905.” As described above in paragraph 9, KIMMEL is the owner of Unit 3905 at Marina Towers, 300 N. State Street. The MB Account records further show the following deposits from Individual A:

10/6/03	\$1,050	Memo: “G. KIMMEL/Oct. Rent”
12/3/03	\$1,050	Memo: “G. KIMMEL/Rent 12/2/03”
2/6/04	\$1,050	Memo: “Feb 2004 Rent”
3/5/04	\$1,050	Memo: “March Rent 3905”
4/5/04	\$1,050	Memo: “Rent for #3905 - April 2004”
5/4/04	\$1,050	Memo: “5/04 Rent #3095”
7/6/04	\$1,050	Memo: “#3905 for 7/104”
7/6/04	\$1,050	Memo: “#3905 for 7/104”
8/6/04	\$1,050	Memo: “8/04 Rent #3905”
9/14/04	\$1,050	Memo: “Rent #3905 for 9/04”
10/5/04	\$1,075	Memo: “Oct 2004 Rent”
11/4/04	\$1,075	Memo: “Rent #3905 - 11/04”
12/3/04	\$1,075	Memo: “#3905 Dec 2004 Rent”

2/8/05            \$1,075            Memo: “#3905 for 2/05”

103. KIMMEL maintains a separate bank account at Fifth Third Bank for his dental business, GARY S. KIMMEL, DDS, Ltd. (the “Fifth Third Account”). Records show that approximately \$530,000 was transferred from the Fifth Third Account to the MB Account between June 2000 and August 2005.

104. In addition, over \$300,000 in cash was deposited into the MB Account between September 2000 and June 2005.

105. Based on analysis of the MB Account and Fifth Third Account performed by me and other agents I have consulted, the cash deposits into the MB Account do not appear to be explained as income from KIMMEL’s dental business or as rental income from properties owned by KIMMEL.

### **Conclusion**

106. As described above, specifically in paragraphs 89 and 90, on or about October 13, 2005, there is probable cause to believe that KIMMEL used the mail and any facility in interstate commerce to distribute the proceeds of unlawful activity, namely prostitution in violation of Michigan and Illinois law, and to otherwise promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of such unlawful activity, in violation of Title 18, United States Code, Sections 1952(a)(1) and (3) and 2.

FURTHER AFFIANT SAYETH NOT.

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Katherine Brusuelas, Special Agent  
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME  
This 17<sup>th</sup> day of November, 2005

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JEFFREY COLE  
United States Magistrate Judge